

## **REMARKS/ARGUMENTS**

### **Amendments**

The Applicants have amended claims 1, 15, and 18. Claim 2 has been canceled. Claims 1 and 3-19 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1-2, 4-15 and 18-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nguyen (US 5,995,848 hereinafter, Nguyen) in view of Murray (US 6,154,644 hereinafter, Murray). Claim 2 has been canceled rendering the rejection moot.

The present invention discloses a method, apparatus and service that determine whether a mobile terminal has moved from its location during a first attempted call to a new location. The basis for the invention is that when a calling party does not connect with a called party there may be many different reasons that the call did not "go through." One of the reasons may be that the mobile terminal subscriber is has left the mobile station in one location, for instance on his desk, and walked away during the first call, thus missing the call. The service and method of the present invention will effect another call to the phone when the phone is moved from the original location. This is a positive indication that the subscriber has the phone in his possession and can successfully receive a call. The movement determination unit of the present invention determines whether there is movement and signals the claimed apparatus to reconnect the calling party and the called party.

The Nguyen reference appears to disclose a system for automatically completing calls to a busy mobile terminal. When a call is initially made to a busy mobile, an automatic callback service can be invoked. A gateway mobile switching center releases all the trunks from the calling party and notifies a service control point. The service control point periodically initiates a call attempt to the mobile terminal and when the

mobile terminal is determined to be idle, the mobile terminal and the calling party is automatically connected. (Abstract)

The Murray reference appears to disclose a system and method for completing calls to a mobile terminal when the terminal is busy or inactive. A service control point is utilized to provide a number of call handling options for the calling party based on the status of the called terminal. For instance if the called terminal is inactive at the time of the original call, when the terminal is reactivated, call setup between the calling party and the called terminal is triggered when the terminal registers with the network. (Abstract)

The emphasized portions of amended claim 1 below illustrate the basic difference between the prior art references Nguyen and Murray, and the present invention.

1. (Original) A method for completing a call from a calling party to a mobile station (MS) of a called party that was not previously completed because of no response by the called party, comprising:  
    sending a request from the Mobile switching center/visitor location register (MSC/VLR) of the calling party to the MSC/VLR of the called party to activate a movement determination unit to monitor the mobile station of the called party; and  
    responsive to the monitoring results, one of initiating a callback procedure to the called party to complete the uncompleted call if the MS has moved and canceling said callback procedure if the MS has not moved. (emphasis added)

The Applicant respectfully asserts that the emphasized limitations of amended, independent claim 1 are not taught or suggested in Nguyen or Murray.

Neither prior art reference teaches or suggests the incorporation of a movement determination unit for triggering a callback procedure. The present invention teaches using current location technology such as GPS for detecting the movement of the called party's terminal. Both Murray and Nguyen rely on the normal act of connecting a mobile terminal to a wireless network to trigger their claimed process. In the case of Murray, the registration of the mobile with the network provides the trigger to connect the calling and called parties. In the case of Nguyen, a SCP periodically checks to see if the called

mobile terminal is inactive and if the terminal becomes active, reconnects the original attempted call. There is no mention, nor is there a suggestion, that a movement detector monitors the location of a called mobile terminal and when movement of the terminal is detected a callback is initiated.

The present invention is patentable over the art of record for at least the reasons provided above with respect to claim 1. In addition, the Applicant submits that there is no suggestion or motivation in either Nguyen or Murray to combine the references to teach the claimed invention. This being the case, claims 4-15, which depend from claim 1 are also patentable over the art of record.

The Applicant submits that independent Claim 18 contains limitations analogous to those found in Claim 1. For the above given reasons the Applicant respectfully submits that Claim 18 is patentable over the Nguyen and Murray references. Claim 19 depends from claim 18 and contains the same limitations. Therefore, claim 19 is also patentable over the art of record.

Claim 3 is rejected under 35 U.S.C §103(a) as being unpatentable over Nguyen (US 5,995,848) in view of Murray (US 6,154,644) and further in view of Camp, Jr. *et al.* (US 6,070,078 hereinafter Camp).

The Camp reference appears to disclose a system and method for improving the efficiency of a GPS receiver when determining the receiver's location. Effectively, a GPS receiver, located at a base station for instance, sends information to a server which calculates auxiliary information to then send to a server for use by a mobile GPS receiver operating in the area of the base station. The server provides pseudo ranges for the mobile GPS receiver to search. The system and method effectively reduces the number of codes that the mobile has to search to determine its location. (Summary of the Invention).


Camp was cited for teaching a global positioning system to determine the location of the mobile terminal. It is respectfully submitted that Camp does not address the above-identified deficiencies of Nguyen and Murray with respect to Applicant's invention. The combination of the Nguyen, Murray and Camp references fails to teach

**CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for Claims 1, and 3 -19.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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